

WORKING DRAFT -- FOR DISCUSSION PURPOSES ONLY

Legislative Management Committee Policy for the Disposal of Surplus Property by the Legislature

(6-13-19 draft)

~~[As authorized by Utah Code Section 63A-2-409, the]~~ The Legislative Management Committee establishes the following ~~[rules]~~ policy for the disposal of surplus property that is ~~[information technology equipment or a personal handheld device]~~ owned by a legislative unit.

Part 1. General Provisions

Section 1.1. Definitions

As used in this policy:

1. "Designated officer" means:

a. for the Legislature, the Chief of Staff of the House and the Chief of Staff of the Senate, jointly, or an individual designated jointly by the Chief of Staff of the House and the Chief of Staff of the Senate;

~~[a.]~~ b. for the House of Representatives, the Chief ~~[Clerk]~~ of Staff of the House , or the Chief of Staff's designee ;

~~[b.]~~ c. for the Senate, the ~~[Secretary]~~ Chief of Staff of the Senate , or the Chief of Staff's designee ;

~~[c. for a staff office of the Legislature, the director of the staff office]~~ d. for the Office of the Legislative Fiscal Analyst, the legislative fiscal analyst or the legislative fiscal analyst's designee;

e. for the Office of the Legislative Auditor General, the legislative auditor general or the legislative auditor general's designee; and

f. for the Office of Legislative Research and General Counsel, the director of the Office of Legislative Research and General Counsel, or the director's designee .

2. "Fair market value" means the value at which the surplus property may be sold on the open market, as determined by the designated officer, based on:

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- a. Internet research;
- b. discussions with a person who is knowledgeable regarding the value of the surplus property; or
- c. any other reasonable means selected by the designated officer.

~~[3. "Information technology equipment" means equipment that is designed to electronically manipulate, store, or transfer a form of data.]~~

~~[4. "Qualifying equipment" means:~~

~~a. information technology equipment; or~~

~~b. a personal handheld electronic device.]~~

~~[5.]~~ 3. "Legislative unit" means the Legislature, the House of Representatives, the Senate, or a staff office of the Legislature.

~~[6. "Personal handheld electronic device":~~

~~a. means an electronic device that is designed for handheld use and permits the user to store or access information, the primary value of which is specific to the user of the device; and~~

~~b. includes a mobile phone, pocket personal computer, personal digital assistant, or similar device.]~~

~~[7.]~~ 4. "Surplus property" means an item of personal property that :

a. is owned by a legislative unit[:

~~a. intends for disposal; and~~

~~b. has acquired by purchase or donation.] ;~~

b. has a fair market value of \$50 or more; and

c. the designated officer has determined to:

i. be no longer used or usable by the legislative unit;

ii. be obsolete;

iii. be damaged and not capable of being repaired or not capable of being repaired at a cost that is economically feasible in light of the property's value;

iv. have exceeded its useful life; or

v. be no longer required to meet the needs or responsibilities of the legislative unit.

Part 2. Disposal of ~~[Qualifying Equipment]~~ Surplus Property

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Section 2.1. Disposal of ~~[qualifying equipment]~~ surplus property -- Methods of disposal.

1. A legislative unit may dispose of surplus property ~~[that is qualifying equipment as follows]~~ by :

- a. ~~[by]~~ selling the surplus property at fair market value;
- b. ~~[by]~~ trading the surplus property for goods or services ~~[at]~~ with a comparable fair market value; ~~[or]~~
- c. destroying the surplus property, if the designated officer ~~[in the legislative unit]~~ determines that the surplus property should be destroyed for security or safety reasons~~[-]~~ ;
- d. donating the surplus property to a charitable organization; or
- e. disposing of the surplus property in any way the designated officer determines reasonable to maximize the legislative unit's recovery of any remaining value from the surplus property or to minimize the cost of disposing of the surplus property.

2. A legislative unit that decides to sell surplus property under this policy may~~[-after determining the fair market value of the property,]~~ sell the surplus property, for ~~[the]~~ fair market value, to ~~[the]~~ a legislative employee ~~[who was assigned to use the surplus property before it became surplus property].~~

3. a. This policy does not govern:

- i. a legislative unit's routine discarding or other disposal of obsolete or unneeded office supplies or similar materials in the ordinary course of the legislative unit's business; or
- ii. a legislative unit's disposal of an item of personal property with a fair market value under \$50.

b. A legislative unit may discard or dispose of an item of personal property described in Subsection 3. a. in any manner the designated officer determines appropriate.

Part 3. Records

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Section 3.1. Record keeping

1. A legislative unit that disposes of surplus property under this policy shall, for at least three years from the day on which the surplus property is disposed of, keep a record of the disposal of the surplus property ~~[disposed of]~~ as provided in this section .

2. The record described in Subsection (1) shall include:

- a. a description of the surplus property disposed of;
- b. a description of the manner of disposal;
- c. if the surplus property is sold or traded :
 - i. the fair market value of the surplus property at the time it was sold or traded ;
 - ii. a description of the method used to determine the fair market value;
 - iii. the amount for which the surplus property was sold or a description of the property for which the surplus property was traded ;
 - iv. the name of the person or entity to whom the surplus property was sold or traded ; and
 - v. the date on which the surplus property was sold~~[-]~~ or traded;

~~[d. if the surplus property is traded:~~

- ~~i. the fair market value of the surplus property at the time it was traded;~~
- ~~ii. a description of the method used to determine the fair market value;~~
- ~~iii. a description of the property for which the surplus property was traded;~~
- ~~iv. the name of the person or entity to whom the surplus property was traded; and~~
- ~~v. the date on which the surplus property was traded.] ; and~~

~~[e.]~~ d. if the surplus property is destroyed:

- i. the method by which it was destroyed;
- ii. a description of the security or safety reason for which it was destroyed; and
- iii. the date on which the surplus property was destroyed.

Part 4. Proceeds of sale

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Section 4.1. Proceeds of sale of surplus property

1. If surplus property is sold under this policy, the money received in exchange for the surplus property shall be paid to the legislative unit that originally purchased the surplus property.

2. A legislative unit to which the money described in Subsection (1) is paid may use the money[:

~~a. to purchase additional qualifying equipment or accessories for qualifying equipment; or~~

~~b.] for [other] any expenses of the legislative unit.~~